

DISORDERS INQUIRY COMMITTEE

ANNEXURES

TO

REPORT



DELHI
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1920

ANNEXURES.

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APPENDICES.

APPENDIX I.

RESOLUTION—By the Government of India, Home Department.

No. 549, dated Simla, the 14th April 1919.

The present situation arising out of the agitation against the Anarchical and Revolutionary Crimes Act (commonly called the Rowlatt Act), renders it imperative on the Governor-General in Council to define the attitude of Government on the subject of that agitation and the serious disorders which have resulted therefrom, and to indicate the nature of the concerted action which it is now necessary to take for the preservation of law and order.

When the Bill was under discussion, its opponents publicly stated that if it passed into law, a campaign of agitation against it, on a scale hitherto unattempted, would be organized throughout India and a section of them indicated that they would support that campaign by resort to what is known as "passive resistance." No one cognizant of the conditions of India could have been ignorant at the time of the dangers of initiating a widespread movement of this nature; they were clearly pointed out by many public men of moderate views; and the representatives of Government did not fail, during the debates on the Bill, to emphasize the serious consequences to the public peace which would follow from an agitation such as was then threatened.

These warnings were unheeded, and to the agitation which has succeeded the passing of the Act, must be directly attributed the open breaches of the public peace, the defiance of authority, and the criminal attacks on life and property which have lately been witnessed in certain parts of India. The agitation has followed a double line of action, namely, direct criticism of the Act by means of public speeches and publications, and the initiation of the threatened movement of "passive resistance." The latter movement was ushered in by a demonstration consisting of the observance of a day of fasting, and the closing of shops and places of business. Such a demonstration was not in itself illegal; but there is ample evidence to prove that in more than one place those locally responsible for its organization overstepped the limits of lawful persuasion, and resorted to direct interference with the business of many who were not interested in the movement, and to forcible obstruction of the traffic in the public streets. But the indirect consequences of this aspect of the agitation have been far more mischievous, in that it promoted a sense of unrest and of excitement which was bound to react, and has reacted, on the more ignorant and inflammable sections of the population. The campaign of criticism has involved in many quarters the use of most flagrant misrepresentations regarding the character of the Act. It is clear that large numbers of ignorant people have been deliberately led to believe that the new law gives the police unfettered authority to interfere with public meetings not only of a political, but of a religious and social nature, and to arrest summarily persons engaged in political work, and that it empowers the executive authorities to imprison without trial any person criticising the action of Government.

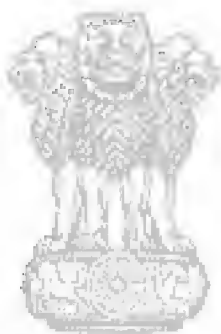
The Governor-General in Council thinks it necessary to reiterate here the following salient fact concerning this Act. It is specifically directed against revolutionary and anarchical crime and can only be brought into force in any locality when it has been proved to the satisfaction of the Governor-General in Council that such crime or movements tending to such crime exist. It has not so far been brought into operation in any part of India. Its first part merely provides for the speedy trial of certain grave offences; in the second and third parts provision is made for preventive action (similar to, but much more restricted in scope than that now provided by the Rules under the Defence of India Act) against persons suspected of revolutionary or anarchical crime. Action cannot, however, be taken against any individual without the previous order of the local Government. There is nothing therefore which can justify the widespread rumours for which the promoters of the agitation must be held responsible, that unusual, or even extended powers have been given to the police; nor is there anything which need cause fear or apprehension to any person other than the revolutionary or the anarchist. Not only do the terms of the Act definitely exclude its use in any case not falling within the definition of anarchical or revolutionary conspiracy; but Government has given the most categorical pledge (which the Governor-General in Council takes this opportunity to reiterate) that the tenor and intention of the Act will be scrupulously safeguarded should occasion arise to put it into operation.

The Governor-General in Council considers it unnecessary to detail here the deplorable occurrences resulting from the agitation against this Act. The offences which have occurred at Delhi, Calcutta, Bombay and Lahore have one common feature, the unprovoked attempt of violent and unruly mobs to hamper or obstruct those charged with the duty of maintaining order in public places. At Amritsar and Ahmedabad they have taken a far graver form, a murderous attack on defenceless individuals, and a wholesale and wanton destruction of private and public property. The Governor-General in Council thinks it right to state that at Amritsar the loss of life might have been greater, but for the protection afforded by unofficial Indians to those who were threatened by the mob, and he takes this opportunity of expressing the gratitude of Government for this conspicuous example of loyalty and humane feeling.

It remains for the Governor-General in Council to assert in the clearest manner the intention of Government to prevent by all means, however drastic, any recurrence of these excesses. He will not hesitate to employ the ample military resources at his disposal to suppress organized outrage rioting or concerted opposition to the maintenance of law and order; and has already sanctioned the application of the State Offences Regulation, 1804, in a modified form, to certain districts of the Punjab. He will further use all preventive measures provided by the Statutes to check disorder at its source, and in Regulation III of 1818, and the corresponding regulations applicable to Bombay and Madras, and in the rules under the Defence of India Act, he has powers which will enable him to deal effectively with those who promote disorder. He has sanctioned the extension of the provisions of the Seditious Meetings Act to the districts of Lahore and Amritsar in the Punjab, and will authorize a similar extension to other areas in which local Governments see reason to require it. The Police Act of 1861 enables a local Government to quarter additional police on any locality which is guilty of organized offences against the public peace, at the charge of the inhabitants, and to levy from the latter compensation for those who have suffered from injury to their property. The Governor-General in Council will advise local Governments to make a free use of these provisions where necessary.

The Governor General in Council feels that many of those who inaugurated this agitation must regret the lamentable consequences which have ensued, the loss of life and property, and the damage to the reputation of India. He now appeals to all loyal subjects of the Crown and to all those who have an interest in the maintenance of law and the protection of property, both to dissociate themselves publicly from the movement, and to exert themselves in quieting unrest and preventing disorder. To all those who render such assistance to the cause of the public and the State, and to those servants of Government who are charged with the onerous responsibility of suppressing excesses against public peace and tranquillity, the Governor-General in Council extends the fullest assurance of countenance and support.

ORDER—Ordered that the Resolution be published in the Gazette of India and, communicated to all Local Governments and Administrations and all Departments of the Government of India.



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APPENDIX II.

Martial Law Ordinances.

Simla, the 14th April 1919.

An Ordinance to provide for the trial of persons charged with offences under the Bengal State Offences Regulations, 1804.

WHEREAS the Governor-General is satisfied that a state of open rebellion against the authority of the Government exists in certain part of the Province of the Punjab :

AND WHEREAS the Governor-General in Council has in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1804, suspended in respect of offences described in the said Regulation with which any person of the classes therein referred to may be charged, the functions of the ordinary Courts of Judicature within the districts of Lahore and Amritsar in the aforesaid Province and has established martial law in the said districts ; and has directed the immediate trial by court-martial of all such persons charged with such offences ;

AND WHEREAS an emergency has arisen which makes it expedient to provide that such trials shall be held in the manner and by the tribunals hereinafter provided ;

NOW, THEREFORE, the Governor-General in exercise of the power conferred by section 72 of the Government of India Act, 1915, is pleased to make and promulgate the following Ordinance :—

ORDINANCE No. I OF 1919.

Short title and commencement.

1 (1) This Ordinance may be called the Martial Law Ordinance, 1919.

(2) It shall come into operation at midnight between the 15th and the 16th April 1919.

2. (1) Every trial held under the Bengal State Offences Regulation, 1804 (hereinafter called the said Regulation) shall, instead of being held by a court-martial, be held by a commission consisting of three persons appointed in this behalf by the Local Government.

(2) The Local Government may appoint as many commissions for this purpose as it may deem expedient.

(3) At least two members of every such commission shall be persons who have served as Sessions Judges or Additional Sessions Judges for a period of not less than three years, or persons qualified under section 101 of the Government of India Act, 1915, for appointment as Judges of a High Court. The Local Government shall nominate one of the members of the commission to be President thereof.

3. A commission shall be convened by the Local Government or by such officer as the Local Government may authorise in this behalf.

Convening authority.

4. A commission shall have all the powers of a general court-martial under the Indian Army Act, 1911, and shall, subject to the provisions of this Ordinance, in all matters follow so far as may be the procedure regulating trials by such courts-martial prescribed by or under the said Act :

Powers and procedure of commissions.

Provided that where, in the opinion of the convening authority, a summary trial is necessary in the interests of the public safety, such authority may direct that the commission shall follow the procedure prescribed for a summary general court-martial by or under the said Act, and the commission shall, so far as may be and subject to the provisions of this Ordinance, follow such procedure accordingly :

Provided, further, that sections 78, 80 and 82 of the said Act shall not apply to any trial under this Ordinance.

5. The finding and sentence of a commission shall not be subject to confirmation by any authority.

Confirmation of finding and sentence unnecessary

6. Nothing in this Ordinance shall affect any trial held or begun to be held by court-martial under the said Regulation prior to the commencement of this Ordinance.

Saving of proceedings of courts-martial already begun.

7. Save as provided by section 6, the provisions of this Ordinance shall apply to all persons referred to in the said Regulation who are charged with any of the offences therein described

Retrospective effect.

committed on or after the 18th April 1919.

Simla, the 16th April 1919.

An Ordinance to extend the operation of the Martial Law Ordinance, 1919.

WHEREAS the Governor-General is satisfied that a state of open rebellion against the authority of the Government exists in certain parts of the province of the Punjab :

AND WHEREAS the Governor-General in Council has in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1804, suspended, in respect of offences described in the said Regulation with which any person of the classes therein referred to may be charged, the functions of the ordinary Courts of Judicature within the district of Gujranwala in the aforesaid province, and has established martial law in the said district, and has directed the immediate trial by court-martial of all such persons charged with such offences :

AND WHEREAS an emergency has arisen which makes it expedient to provide that such trials shall be held in the manner and by the tribunals provided in the Martial Law Ordinance, 1919, and also to provide for the same matter in any other area in which by order of the Governor-General in Council the provisions of the aforesaid Regulation may be brought into operation ;

NOW THEREFORE, the Governor-General in exercise of the power conferred by section 72 of the Government of India Act, 1915, is pleased to make and promulgate the following Ordinance :—

ORDINANCE NO. II OF 1919.

Short title.

1. This Ordinance may be called the Martial Law (Extension) Ordinance, 1919.

2. With effect from midnight between the 16th and 17th April 1919, the provisions of sections 2 to 6 of the Martial Law Ordinance, 1919, shall apply to the trial of all persons in the district of Gujranwala in the province of the Punjab of the classes referred to in the Bengal State Offences Regulation, 1804, who may be charged with any of the offences therein described, committed on or after the 15th April 1919.

3. Where, after the commencement of this Ordinance, the Governor-General in Council, in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1804, suspends, in respect of offences described in the said Regulation with which any person of the classes therein referred to may be charged, the functions of the ordinary Courts of Judicature within any area and establishes martial law therein, and directs the immediate trial by court-martial of all such persons charged with such offences, the Governor-General in Council may by order in writing declare that the provisions of sections 2 to 6 of the Martial Law Ordinance, 1919, shall apply to such trials in the said area.

Simla, the 18th April 1919.

An Ordinance to provide that persons convicted of any of the crimes specified in the Bengal State Offences Regulation, 1804, shall be punishable with penalties other than those provided in the said Regulations.

WHEREAS an emergency has arisen which renders it necessary to provide that persons convicted of any of the crimes specified in the Bengal State Offences Regulations, 1804, shall be punishable with penalties other than those provided in the said Regulation ;

NOW, THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor-General is pleased to make and promulgate the following Ordinance :—

ORDINANCE NO. III OF 1919.

Short title.

1. This Ordinance may be called the Martial Law (Sentences) Ordinance, 1919.

Provision for minor punishments in case of convictions under Regulation X of 1804.

Notwithstanding anything contained in section 3 of the Bengal State Offences Regulation, 1804—

(a) any court-martial or any commission appointed and convened under the Martial Law Ordinance, 1919, may, when convicting any person of any of the crimes specified in the said Regulation, sentence such person to transportation for life or for any period not less than ten years, or to rigorous imprisonment for a term which shall not be less than seven years and shall not exceed fourteen years ;

(b) no person so convicted shall be liable to forfeiture of property as provided in the Regulation unless such court or commission so directs.

CHELMSFORD,
Viceroy and Governor-General.

H. M. SMITH,
Offg. Secretary to the Government of India.

Simla, the 21st April 1919.

An Ordinance further to extend the application of the Martial Law Ordinance, 1919.

WHEREAS an emergency has arisen which renders it necessary to provide that commissions appointed under the Martial Law Ordinance, 1919, shall have power to try persons and offences other than those specified in the said Ordinance :

NOW, THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor-General is pleased to make and promulgate the following Ordinance :—

ORDINANCE NO. IV OF 1919.

Short title.

1. This Ordinance may be called the Martial Law (Further Extension) Ordinance, 1919.

2. Notwithstanding any thing contained in the Martial Law Ordinance, 1919, the Local Commissions under Martial Law Ordinance, 1919, to try such cases as the Local Government may direct. Government may, by general or special order, direct that any commission appointed under the said Ordinance shall try any person charged with any offences committed on or after the 30th March, 1919, and thereupon the provisions of the said Ordinance shall apply to such trials accordingly, and a commission may pass in respect of any such offences any sentence authorized by law.

CHELMSFORD,
Viceroy and Governor-General.

H. M. SMITH,
Offg. Secretary to the Government of India.

Simla, the 27th May 1919.

An Ordinance to provide for the continuance of trials held by commissions and summary courts under Martial Law.

WHEREAS in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1904, the Governor-General in Council has been pleased to issue orders suspending in certain districts of the Punjab the functions of the ordinary criminal Courts of Judicature in so far as the trial of persons of the classes referred to in the said Regulation charged with the offences therein described is concerned, and to establish martial law in the said districts ;

AND WHEREAS the Governor-General has been pleased to make provision by the Martial Law Ordinance, 1919, and by the Martial Law (Extension) Ordinance, 1919, for the holding of such trials by commissions ;

AND WHEREAS the Governor-General in Council has further been pleased in exercise of the powers conferred by the aforesaid Regulation to suspend the functions of the ordinary criminal Courts of Judicature in the said districts in so far as trials held by the commissions in accordance with the provisions of the Martial Law (Further Extension) Ordinance, 1919, are concerned ;

AND WHEREAS an emergency has arisen which renders it necessary to provide for the continuance and completion of all such trials pending before the said commissions at the time of the cancellation of the said orders and for other matters in connection herewith ;

Now, THEREFORE, the Governor-General in exercise of the power conferred by section 72 of the Government of India Act, 1915, is pleased to make and promulgate the following Ordinance :—

ORDINANCE NO. VI OF 1919.

1. This Ordinance may be called the Martial Law (Trials Continuance) Ordinance, 1919.

Short title.

2. When an order under section 2 of the Bengal State Offences Regulation, 1804, suspending the functions of the ordinary criminal courts in any district has been cancelled and martial law has ceased to operate, every trial which may at the time of such cancellation be pending before any commission appointed, as a result of such order, under the Martial Law Ordinance, 1919, shall be continued by such a commission, and any persons accused in any such trial may be convicted and sentenced and any such sentence shall be carried into execution, as if such order had not been cancelled.

Explanation.

A trial for the purposes of which an order has been made convening a commission under either the Martial Law Ordinance, 1919, or the Martial Law (Further Extension) Ordinance, 1919, shall be deemed to be a trial pending before such commission within the meaning of this section.

3. Notwithstanding that the functions of the ordinary criminal courts have been suspended in any district and that a trial has commenced before a summary court other than an ordinary criminal court, such trial shall, when the summary court ceases by reason of the cessation of martial law to exercise jurisdiction therein, be continued before any competent criminal court which would have had jurisdiction therein save for the existence of martial law, and such court may act on the evidence recorded by the summary court or partly recorded by such court and partly recorded by itself, or it may resummon the witnesses and recommence the trial.

Provided that the accused may at the commencement of the proceedings before the second court demand that the witnesses or any of them be resummoned and reheard :

Provided further that nothing in this section shall be deemed to apply to the trial of an offence which is not punishable under any law for the time being in force.

CHEELMSFORD,
Viceroy and Governor-General.

H. M. SMITH,
Offg. Secretary to the Government of India.

Reference to Acts and Regulations (other than the Martial Law Ordinances) quoted in the ordinances.

Bengal State Regulation, 1804	X of 1804 (Appendix XVII, page 263).
Indian Army Act, 1911	VIII of 1911.
Government of India Act, 1915	5 and 6 Geo. V, c. 61.

APPENDIX III.

Martial Law Proclamations.

The 21st April 1919.

No. 10766.—The following proclamation is published for general information :—

PROCLAMATION.

WHEREAS Martial Law has been proclaimed and is in force in the districts of Lahore, Amritsar and Gujranwala, it is hereby notified that until further intimation, the following Regulations will be enforced within the limits of the 16th Indian Division in all places to which Martial Law has been or may be extended :—

No. 1. LAW AND TRIBUNALS.

Martial Law has been declared subject to—

- (a) the maintenance of ordinary courts for ordinary offences, and
- (b) the establishment under the Martial Law Ordinance, 1919, of Special Tribunals for offences specified in section 2 of the Bengal State Offences Regulation, 1804.

The result of the establishment of Martial Law is that, subject to the said Ordinance, plenary power is vested in the General Officer Commanding the Division of prescribing offences, penalties, courts and procedure in regard to all matters connected with or arising out of the present disturbances and of taking all measures and issuing all orders that he may deem necessary for the suppression of these disturbances. In the exercise of these powers the General Officer Commanding the Division is pleased to declare that a breach of any of the Regulations Nos. 2—15 below, shall be deemed to be an offence.

No. 2. OFFENCES.

No person shall—

- Rebellion. (a) be actively in arms against His Majesty
- or
- (b) directly incite others to take up arms against His Majesty, or
- Aiding rebels. (c) actively aid or assist the rebels, or
- (d) commit any overt act by which the safety of His Majesty's Forces or subjects is endangered.
- Endangering public safety.

No. 3. नयन

No person shall assist or harbour rebels by giving them information, or by supplying them with shelter, food, drink, money, clothes, arms, ammunition, stores, forage, or means of conveyance, or by assisting them in any way to evade apprehension.

No. 4.

Every person —

- Failing to report rebels. (a) who receives information of gatherings or intended gatherings of rebels, or
 - (b) who knows or has reason to believe that any of his relatives or dependents have joined or are about to join the rebels,
- shall without delay give full information thereof to the nearest Military or Civil authority.

No. 5.

1. No person shall make use of any language with the intention either—

- Seditious language and publications. (a) or raising or fomenting disaffection among His Majesty's subjects, or
- (b) of promoting hostility between different classes or such subjects.

2. No person shall print, publish, circulate or have in his possession any publications containing seditious articles or articles likely to promote disaffection or bad feeling.

No. 6.

No person shall (a) in any way interfere with the working of the railways or canals, (b) damage or tamper with any material or property connected with railways and canals, (c) damage or interfere with telegraph or telephone lines or apparatus of wireless telegraph installation, (d) tap with the intention of reading off messages any telegraph or telephone lines. The attempt to commit or the abetment of any breach of this regulation shall be punished as a breach of the regulation.

No. 7.

Control of Transport.

1. No person shall, save under a proper permit, have in his possession any motor vehicle.

2. Every person using any such vehicle shall pass any guard or sentry at a speed not exceeding 6 miles an hour and shall stop the car if so ordered by any guard or sentry, and shall carry on such a vehicle a suitable light between the hours of sunset and sunrise.

These Regulations do not apply to Civil Officers of Government or to members of His Majesty's Forces (Naval, Military or Air Force, Indian Defence Force or Police) in respect of any vehicles lawfully issued to them as such officers or members

No. 8.

No person shall, save under such conditions as may be prescribed, enter or leave this area, or move to and fro within it.

Control of travelling and movements:

No. 9.

No person shall, save under a proper permit, convene or attend any meeting of more than five persons, except in the case of —

Control of meetings.

- (a) a meeting *bona fide* held for religious purposes in an authorised place of worship,
- (b) a meeting of a Municipal Committee or any other similar public body,
- (c) a meeting of persons residing in one house and gathering in such house.

No. 10.

No person shall —

- (a) escape or attempt to escape from any prison or other custody in which he is for the time being confined or restrained under Martial Law, or
- (b) abet any other person in escaping or attempting to escape from any such prison or custody.

Escaping.

No. 11.

No person shall —

- (a) disobey or neglect to obey any order given by any Military or Civil Officer in the execution of his duty when administering Martial Law, or
- (b) obstruct, impede, or interfere in any manner with any Military or Civil Officer or other person who is carrying out the orders of any authority administering Martial Law or who is otherwise acting in the execution of his duty under Martial Law.

Disobeying and obstructing Officers.

No. 12.

No person shall disseminate false intelligence which he knows to be false, or spread reports calculated to create alarm or despondency.

False news and reports.

No. 13.

No person shall destroy, deface, or in any way tamper with any notice exhibited under Martial Law while such notice is in force.

Defacing Martial Law notices.

No. 14.

Every person shall, when required to do so, give his correct name and address and produce his permit or pass to any military or Civil Officer acting under the authority of these Regulations, or to any soldier, volunteer, or policeman in uniform.

Production of permits.

No. 15.

Miscellaneous offences.

No person shall commit any act, or be guilty of any omission—

- (a) which is to the prejudice of good order of the public safety, or
- (b) which is calculated to mislead, or hamper the movements of, or imperil the success of, His Majesty's Forces.

No. 16.

Any person who contravenes any of the foregoing Regulations 2--15 (inclusive) shall be liable to trial by an officer authorised to dispose of an offence summarily under Martial Law. Such an officer may sentence an offender to imprisonment, rigorous or simple, which may extend to two years, or to fine not exceeding Rs. 1,000 or to both, and to six months' imprisonment in default of payment of fine, and may also inflict whipping in addition to, or in lieu of, any other punishment which he is empowered to inflict.

Penalties.

No. 17.

(a) For every offence against these Regulations the offender may be arrested with or without warrant from any officer authorised to dispose of offences. For minor offences against these Regulations the offender will not necessarily be arrested, but may be summoned to appear before such officer.

Arrest and Trials.

(b) Whenever a person is summoned to appear or is arrested under Martial Law, the charge against him shall without unnecessary delay be investigated by an officer authorised to dispose of an offence summarily under Martial Law or by some officer deputed by him and not under the rank of Captain or, at his request, by a Civil Magistrate or by the police.

(c) The investigating officer will dismiss a charge brought before him if in his opinion the evidence does not show that some offence under Martial Law has been committed or if in his discretion he thinks the charge ought not to be proceeded with.

(d) At the conclusion of the hearing, if the investigating officer is of opinion that the charge ought to be proceeded with, he shall without unnecessary delay, either—

- (i) dispose of the case summarily, or
- (ii) in cases where he considers that the offence calls for a more severe punishment than he is empowered to inflict, refer the case to the Legal Remembrancer to the Punjab Government who, after considering the evidence, will decide whether to convene a Commission under the Martial Law Ordinance, 1919, for the disposal of the case or whether it should be remanded to the office, referring it for disposal or to any other officer exercising powers under these Regulations, or
- (iii) remand the accused in custody while further enquiries are being made.

In case (iii), if within reasonable time sufficient evidence is not forthcoming the accused person shall be discharged.

No. 18. OFFICERS AUTHORISED TO DISPOSE OF OFFENCES SUMMARILY UNDER MARTIAL LAW.

The districts in which Martial Law has been declared shall be divided up into areas and for each such area an officer or officers will be authorised to dispose of offences summarily under Martial Law. Such officers shall be known as Area Officers.

In addition to the Area Officers, every officer commanding station or regiment, every Field Officer and every officer nominated by a General Officer Commanding a Brigade, by the Officer Commanding, Lahore Civil Area or by the Local Government, is hereby authorised to dispose of offences summarily under Martial Law.

W. G. L. BEYNON, K.C.I.E., C.B., D.S.O.,

Major-General,

Commanding the 16th (Indian) Division.

The 19th April 1919.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

No. 10768 —The following amendment to Proclamation, dated 19th April 1919, is published for general information : --

PROCLAMATION.

REGULATION No. 8 in Martial Law Proclamation of the 19th of April is hereby amended as follows :—

8. Where any orders have been issued regarding the control of travelling and movements, no person shall enter or leave the area to which Martial Law has been extended or move to and fro within it, in contravention of such orders.

W. G. L. BEYNON, K.C.I.E., C.B., D.S.O.,

Major-General,

Commanding the 16th (Indian) Division.

The 21st April 1919.

J. P. THOMPSON,

Chief Secretary to Government, Panjab.

PROCLAMATION.

NOTICE is hereby given to all whom it may concern that legal practitioners, whose ordinary place of business is outside the Punjab, will not be allowed to enter the Martial Law Area included in the limits of the 16th Indian Division, without the permission of the Administrator of Martial Law.

W. G. L. BEYNON, K.C.I.E., C.B., D.S.O.,

Major-General,

Commanding the 16th (Indian) Division.

The 14th May 1919.

NOTE.—The proclamations issued by the General Officer Commanding, 2nd (Rawalpindi) Division, were identical (*mutatis mutandis*) with those given above and are not reproduced here. The main proclamation was dated 20th April 1919 : the others were dated 21st April 1919 and 14th May 1919.

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APPENDIX IV.

REGULATION X OF 1804.

A REGULATION for declaring the powers of the Governor-General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts-Martial passed on the 14th December 1804.

1. WHEREAS, during wars in which the British Government has been engaged against certain of the native powers of India, certain persons owing allegiance to the British Government have borne arms in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government; and whereas it may be expedient that, during the existence of any war in which the British Government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the Government, in any part of the British territories subject to the Government of the presidency of Fort William, the Governor-General in Council should declare and establish martial law within any part of the territories aforesaid for the safety of the British possessions and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of persons owing allegiance to the British Government who may be taken in arms, in open hostility to the said Government, or in the actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British Government within any part of the territories above specified: the following Regulation has been enacted by the Governor-General in Council, to be in force throughout the British territories immediately subject to the Government of the presidency of Fort William, from the date of its promulgation.

2. The Governor-General in Council is hereby empowered to suspend, or to direct any public authority or officer to order the suspension of wholly or partially, the functions of the ordinary Criminal Courts of Judicature, within any zillah, district, city, or other place, within any part of the British territories subject to the Government of the presidency of Fort William, and to establish martial law therein for any period of time while the British Government in India shall be engaged in war with any native or other power, as well as during the existence of open rebellion against the authority of the Government, in any part of the territories aforesaid; and also to direct the immediate trial by courts-martial of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being residents within its territories and under its protection, who shall be taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said territories.

3. Any person born or residing under the protection of the British Government within the territories aforesaid, and consequently owing allegiance to the said Government, who in violation or the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof by the sentence of court-martial, during the suspension of the functions of the ordinary Criminal Courts of Judicature and the establishment of the martial law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hung by the neck till he is dead. All persons who shall in such cases be adjudged by a court-martial to be guilty of any of the crimes specified in this Regulation shall also forfeit to the British Government all property and effects, real and personal, which they shall have possessed within its territories, at the time when the crime of which they may be convicted shall have been committed.

NOTE.—The words in the above two sections repealed by Act XII of 1891 are omitted.

4. The Governor-General in Council shall not be precluded by this Regulation from causing persons charged with any of the offences described in the present Regulation to be brought to trial, at any time, before the ordinary Courts of Judicature, instead of causing such persons to be tried by courts-martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

Notes—(a) Section 4 is amended by Act XVI of 1874.

(b) The whole of the above Regulation so far as it is not modified by Act V of 1841, is declared to be in force. Act V of 1841 was enacted "for the greater uniformity of the process upon trials for State offences, and the amendment of such process in certain cases." It declared that the ordinary tribunals were competent to try charges of treason, rebellion or other crime against the State; and also authorised the Government to issue a commission for the trial of any such offences. The Courts convened under such commissions were to try prisoners in the ordinary manner, but their sentences were to be reported before execution to the highest Court of the Presidency for Criminal matters, Act V of 1841 was repealed by Act X of 1872 (*The Code of Criminal Procedure*).

APPENDIX V.

NOTIFICATIONS AND CORRESPONDENCE IN CONNECTION WITH MARTIAL LAW COMMISSIONS.

The 17th April 1919.

No. 10493.—The Governor-General in Council has been pleased, under the Bengal State Offences Regulation, 1804, to suspend the functions of ordinary criminal courts of judicature within the districts of Amritsar, Lahore and Gujranwala in so far as offences mentioned in section 2 of the said Regulation are concerned, and to establish Martial Law therein during the existence of open rebellion against the authority of Government and also to direct, under the Martial Law Ordinance, 1919, the immediate trial by tribunal similar to those under the Defence of India Act but with the powers of Field General Courts Martial.

A separate announcement will be made as to the tribunal to be appointed.

J. P. THOMPSON,

*Chief Secretary to Government, Punjab.***ORDER.**

Under section 3 of the Martial Law Ordinance, 1919, the Lieutenant-Governor is pleased to authorise the Legal Remembrancer to convene the Commissions appointed by the Local Government under section 2 (2) of the said Ordinance.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

LAHORE :

*Dated the 18th April 1919.**The 20th April 1919.*

No. 10672.—The Governor-General in Council has been pleased, under the Bengal State Offences Regulation, 1804, to suspend the functions of ordinary criminal courts of judicature within the district of Gujrat in so far as offences mentioned in section 2 of the said Regulation are concerned, and to establish Martial Law therein during the existence of open rebellion against the authority of Government and also to direct, under the Martial Law Ordinance, 1919, the immediate trial by tribunals similar to those under the Defence of India Act, but with the powers of Field General Courts Martial.

J. P. THOMPSON,

*Chief Secretary to Government, Punjab.**The 23rd April 1919.*

No. 11126.—The Governor-General in Council has been pleased to order under the Bengal State Offences Regulation, 1804, the suspension of ordinary criminal courts of judicature within the district of Lyallpur in so far as offences mentioned in section 2 of the said Regulation and trial under Ordinance IV of 1919 are concerned, and to establish Martial Law therein during the existence of open rebellion against the authority of Government, and further to direct the immediate trial by Court Martial of offences as in section 2 of the said Regulation.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

The 23rd April 1919.

No. 11091.—Under section 2 of the Martial Law (Further Extension) Ordinance, 1919, the Lieutenant-Governor hereby directs that all persons charged with offences connected with the recent disturbances and committed on or after the 30th of March 1919, and before the dates of the Martial Law Proclamations issued by the General Officer Commanding, 16th Indian Division, and the General Officer Commanding, 2nd Rawalpindi Division, respectively, in the districts of Lahore, Amritsar, Gujranwala, or Gujrat, shall be tried by one or other of the Commissions appointed in accordance with the Martial Law Ordinance, 1919, under notification no. 10527, dated the 18th April 1919, or by any such Commission which may hereafter be appointed.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

The 1st May 1919.

No. 11877.—The following order of the Government of India, Home Department, is published for general information :—

ORDER.

WHEREAS the Governor-General in Council is satisfied that a state of open rebellion against the authority of the Government exists in the districts of Lahore and Amritsar in the Province of the Punjab :

Now, therefore, in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1864, the Governor-General in Council is hereby pleased to suspend the functions of the ordinary criminal courts within those districts in so far as the trial of persons of the classes referred to in the said Regulation, taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within the said districts, is concerned, and to establish Martial Law within the said districts.

The Governor-General in Council is also pleased to direct the immediate trial by courts-martial of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being residents, within its territories and under its protection who shall be taken in arms in open hostility to the British Government or in the act of opposing by force of arms of authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said district.

J. H. DuBOULAY,

Secretary to the Government of India,

Home Department.

Dated 13th April 1919.

The 1st May 1919.

No. 11878.—The following order of the Government of India, Home Department, is published for general for information :—

ORDER.

WHEREAS the Governor-General in Council is satisfied that a state of open rebellion against the authority of the Government exists in the district of Gujranwala in the Province of the Punjab :

Now, therefore, in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1864, the Governor-General in Council is hereby pleased to suspend

the functions of the ordinary criminal courts within that district in so far as the trial of persons of the classes referred to in the said Regulation, taken in arms in open hostility to the British Government, or in act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within the said district, is concerned, and to establish Martial Law within the said district.

The Governor-General in Council is also pleased to direct the immediate trial by courts-martial of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being residents, within its territories and under its protection who shall be taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said district.

J. H. DuBOULAY,

*Secretary to the Government of India,
Home Department.*

Simla, the 15th April 1919.

The 1st May 1919.

No. 11879.—The following order of the Government of India, Home Department, is published for general information:—

ORDER.

WHEREAS the Governor-General in Council has issued an order under section 2 of the Bengal State Offences Regulation, 1804, suspending the functions of the ordinary criminal courts within the district of Gujrat in the Province of the Punjab in so far as the trial of persons of the classes referred to in the said Regulation, taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same or in the actual commission of any overt act of rebellion against the State or in the act of openly aiding and abetting the enemies of the British Government within the said district, is concerned, and to establish Martial Law within the said district; and has also been pleased to direct the immediate trial of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being residents, within its territories and under its protection, who shall be taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said district.

The Governor-General in Council is hereby pleased to declare the provisions of sections 2 to 5 of the Martial Law Ordinance, 1919, shall apply to such trials in the said area.

J. H. DuBOULAY,

*Secretary to the Government of India,
Home Department.*

Simla, the 19th April 1919.

The 1st May 1919.

No. 11880.—The following orders of the Government of India, Home Department, is published for general information:—

ORDER.

WHEREAS the Governor-General in Council is satisfied that a state of open rebellion exists in the districts of Lahore, Amritsar, Gujranwala and Gujrat in the Province of the Punjab:

Now, therefore, in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1804, and in extension of the orders suspending in the said districts the

functions of the ordinary criminal courts in so far as the trial of persons of the classes referred to in the said Regulation charged with the offences therein described is concerned the Governor-General in Council is hereby pleased further to suspend the functions of the ordinary criminal courts in these districts in so far as trials held before commissions in accordance with the provisions of the Martial Law (Further Extension) Ordinance, 1919, are concerned.

J. H. DuBOULAY,

*Secretary to the Government of India,
Home Department.*

Simla, the 22nd April 1919.

The 1st May 1919.

No. 11881.—The following order of the Government of India, Home Department, is published for general information :—

ORDER.

WHEREAS the Governor-General in Council is satisfied that a state of open rebellion exists in the district of Lyallpur in the Province of the Punjab :

Now therefore in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1804, the Governor-General in Council is hereby pleased to suspend the functions of the ordinary criminal courts of judicature in the said district—

- (a) in so far as the trial of persons of the classes referred to in the said Regulation taken in arms in open hostility to the British Government or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said district, is concerned, and
- (2) in so far as trials held before commissions in accordance with the provisions of the Martial Law (Further Extension) Ordinance, 1919, are concerned.

The Governor-General in Council is further pleased to establish Martial Law in the said district, and also to direct the immediate trial by courts-martial of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being residents, within its territories and under its protection, who shall be taken in arms in open hostility to the British Government or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said district.

J. H. DuBOULAY,

*Secretary to the Government of India,
Home Department.*

Dated Simla, 22nd April 1919.

The 1st May 1919.

No. 11882.—The following order of the Government of India, Home Department, is published for general information :—

ORDER.

WHEREAS the Governor-General in Council has, in exercise of the power conferred by section 2 of the Bengal State Offences Regulation, 1804, suspended in respect of offences described in the said Regulation with which any person of the classes therein referred to may be charged the functions of the ordinary criminal courts of judicature within the district of Lyallpur in the province of the Punjab, and has established Martial Law in the said district and has directed the immediate trial by courts-martial of all such persons charged with such offences :

Now, therefore, the Governor-General in Council, in exercise of the powers conferred by section 3 of the Martial Law (Extension) Ordinance, 1919, is pleased to declare that the provisions of sections 2 to 5 of the Martial Law Ordinance, 1919, shall apply to such trials in the said district.

J. H. DuBOULAY,
Secretary to the Government of India,
Home Department.

Dated Simla, 22nd April 1919.

J. P. THOMPSON,
Chief Secretary to Government, Punjab.

The 29th May 1919.

No. 14628.—The following order of the Government of India, Home Department, is published for general information :—

ORDER.

In exercise of the powers conferred by Section 2 of the Bengal State Offences Regulation, 1804, the Governor-General in Council is pleased to cancel the orders of the Government of India in the Home Department, dated the 13th of April 1919, the 15th of April 1919, the 18th of April 1919 and the 22nd of April 1919, which were published with the notifications of the Punjab Government Nos 11877, 11878, 11879 and 11880, dated the 1st May 1919, suspending the functions of the ordinary criminal courts of judicature and establishing Martial Law within the districts of Lahore, Amritsar, Gujranwala and Gujrat, in the province of the Punjab, except in so far as the said orders apply to the areas specified in the second column of the following table :—

District	Area.
Lahore	(1) The Lahore Civil Area as defined in Punjab Government Notification, Home (Military), No. 10657, dated the 20th of April 1919. (2) The Lahore Cantonment. (3) The Kasur Municipality. (4) All Railway lands.
Amritsar	(1) Amritsar Municipality. (2) Amritsar Cantonment. (3) The portion of Mouza Amritsar not included in (1) and (2). (4) Mouza Kot Saiyid Mahmud. (5) All Railway lands.
Gujranwala	(1) Gujranwala Municipality. (2) Wazirabad Municipality. (3) Akalgarh Notified Area. (4) Ramnagar Notified Area. (5) Hafizabad Notified Area. (6) Sangla Notified Area. (7) Chuharkhana Mandi Notified Area. (8) All Railway lands.
Gujrat	(1) All Railway lands.

W. S. MARRIS,
Secretary to the Government of India,
Home Department.

Simla, the 28th of May 1919.

J. P. THOMPSON,
Chief Secretary to Government, Punjab.

The 14th June 1919.

No. 15758.—The following order of the Government of India, Home Department^t (Political), is published for general information :—

ORDER.

No. 1210.—In exercise of the powers conferred by Section 2 of the Bengal State Offences Regulation, 1804, and in continuation of the Order passed on the 28th of May 1919, the Governor-General in Council is pleased to cancel the orders of the Government of India in the Home Department, dated the 13th of April 1919, the 15th of April 1919 and the 22nd of April 1919, which were published with notifications of the Punjab Government Nos. 11877, 11878, 11880, 11881 and 11882, dated the 1st May 1919, suspending the functions of the ordinary criminal courts of judicature and establishing martial law within the districts of Lahore, Amritsar, Gujranwala, Gujrat and Lyallpur, in the Province of the Punjab, in so far as the said orders apply to the areas specified in the second column of following table and from the date and time mentioned in the third column of the same.

Provided that nothing in this Order shall apply to any railway lands situated in the areas so specified.

District.	Area.	Time.
Lahore	(1) The Lahore Civil Area as defined in the Punjab Government notification, Home (Military), No. 10657, dated the 20th April 1919.	Wednesday, the 11th June 1919, at 12 midnight.
	(2) The Lahore Cantonment	Ditto.
	(3) The Kasur Municipality	Monday, the 9th June 1919, at 12 midnight.
Amritsar	(1) The Amritsar Municipality	Ditto.
	(2) Amritsar Cantonment	Ditto.
	(3) The portion of Mauza Amritsar not included in (1) and (2).	Ditto.
	(4) Mauza Kot Salyid Mahmud	Ditto.
Gujranwala	(1) Gujranwala Municipality	Ditto.
	(2) Wazirabad Municipality	Ditto.
	(3) Akalgarh Notified Area	Ditto.
	(4) Ramnagar Notified Area	Ditto.
	(5) Hafizabad Notified Area	Ditto.
	(6) Sangla Notified Area	Ditto.
	(7) Chuharkhana Notified Area	Ditto.
Lyallpur	The whole district.	

W. S. MARRIS,

Secretary to the Government of India,
Home Department.

Simla, the 9th June 1919.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

The 27th August 1919.

No. 2721-S.—The following order of the Government of India, Home Department (Political), is published for general information :—

ORDER.

No. 1816.—In exercise of the powers conferred by Section 2 of the Bengal State Offences Regulation, 1804, and in continuation of the Orders passed on the 28th May 1919 and the 9th

June 1919, the Governor-General in Council is pleased to cancel the orders of the Government of India in the Home Department, dated the 13th April 1919 and the 15th April 1919, the 19th April 1919 and the 22nd April 1919, which were published with the notifications of the Punjab Government Nos. 11877, 11878, 11879, 11880, 11881, 11882, dated the 1st May 1919, suspending the functions of the ordinary criminal courts of judicature and establishing Martial Law within the districts of Lahore, Amritsar, Gujranwala, Gujrat and Lyallpur in so far as the said orders apply to the railway lands situated within those districts.

W. S. MARRIS,

*Secretary to the Government of India,
Home Department.*

Simla, the 25th August 1919.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

NOTIFICATIONS APPOINTING MARTIAL LAW COMMISSIONS.

The 18th April 1919.

No. 10527.—Under section 2 (2) of the Martial Law Ordinance, 1919, the Lieutenant-Governor is pleased to appoint the following Commissions for the purpose of holding trials under section 2 (1) of the said Ordinance:—

- (1) The Hon'ble Mr. Justice Leslie Jones; Mr. M. H. Harrison, I.C.S., District and Sessions Judge; S. Din Muhammad, Extra Assistant Commissioner.
- (2) Lieutenant-Colonel A. A. Irvine, C.I.E., District and Sessions Judge; Mr. F. W. K. Kennaway, District and Sessions Judge; Mr. I. C. Lall.

Under section 2 (3) of the Martial Law Ordinance, 1919, the Lieutenant-Governor is pleased to appoint the Hon'ble Mr. Justice Leslie Jones and Lieutenant-Colonel Irvine to be presidents of the abovementioned Commissions respectively.

The 5th May 1919.

No. 12341.—Under section 2 (2) of the Martial Law Ordinance, 1919, the Lieutenant-Governor is pleased to appoint the following Commission for the purpose of holding trials under section 2 (1) of the said Ordinance:—

Mr. N. H. Prenter, I.C.S., District and Sessions Judge; Mr. S. S. Harris, formerly District and Sessions Judge; and Major P. W. Elliott, 20th D. C. O. Infantry.

Under section 2 (3) of the Martial Law Ordinance, 1919, the Lieutenant-Governor is pleased to appoint Mr. N. H. Prenter to be President of the abovementioned Commission.

The 26th May 1919.

No. 14197.—Under section 2 (2) of the Martial Law Ordinance, 1919, the Lieutenant-Governor is pleased to appoint the following Commission for the purpose of holding trials under section 2 (1) of the said Ordinance:—

The Hon'ble Mr. Justice Broadway;
A. H. Brasher, Esq., I.C.S., District and Sessions Judge; and
Khan Bahadur Shaikh Rahim Baksh.

Under section 2 (3) of the Martial Law Ordinance, 1919, the Lieutenant-Governor is pleased to appoint the Hon'ble Mr. Justice Broadway to be President of the abovementioned Commission.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

NOTIFICATIONS AND CORRESPONDENCE IN CONNECTION WITH SUMMARY COURTS.

The 20th April 1919.

No. 10657.—It is hereby notified that the General Officer Commanding, 16th (Indian) Division, has divided the portion of his command in which Martial Law has been proclaimed

into three Areas, in accordance with Regulation No. 18 of the Proclamation of April 19th, 1919, as follows :—

- (1) Amritsar Area comprising the civil district of Amritsar.
- (2) Lahore Area comprising the civil district of Lahore exclusive of the Lahore Civil Area.
- (3) Lahore Civil Area comprising the Municipality, Moghalpura and all other places between the River Ravi and the Lahore Branch of the Upper Bari Doab Canal, within a 3-mile radius of the Telegraph Office, Lahore.

2. He has further been pleased to authorize the following officers as Area Officers to dispose of offences summarily under Martial Law in the said Areas :—

In the Lahore Civil Area—

Major S. R. Shirley, M.C., 54th Sikhs, in the Amritsar Area.

Major H. A. Murray, 35th Sikhs, in the Lahore Area, and

- (1) Lieutenant-Colonel the Hon'ble W. F. J. North, Somerset Light Infantry,
- (2) Major E. C. Barnes, 19th Punjabis,
- (3) Major J. C. Hunter, Superintendent, Carriage and Wagon Department, North-Western Railway.

No. 10658.—In exercise of the powers conferred by Regulation No. 18 of the Proclamation issued by the General Officer Commanding, 16th (Indian) Division, dated the 19th April 1919, the Lieutenant-Governor hereby nominates the following officers to dispose of offences against the Regulations contained in the said Proclamation summarily under Martial Law where such offences have been committed within the areas in which Martial Law has been proclaimed within the limits of the 16th (Indian) Division :—

Mr. A. J. W. Kitchin, C.I.E., Commissioner, Lahore.

Mr. Miles Irving, Deputy Commissioner, Amritsar.

With effect from the date of their assuming charge of their appointments—

Mr. G. D. Rudkin, Joint Deputy Commissioner, Amritsar.

Mr. F. H. Puckle, Assistant Commissioner, Amritsar.

Mr. H. Fyson, Deputy Commissioner, Lahore.

With effect from the date of his taking charge of his appointment—

Major M. L. Ferrar, Joint Deputy Commissioner, Lahore.

Lieutenant-Colonel A. J. O'Brien, C.I.E., C.B.E., Deputy Commissioner, Gujranwala.

With effect from the date of his taking over charge—

Mr. B. N. Bosworth-Smith, Joint Deputy Commissioner, Gujranwala.

Mr. A. A. McC. Mitchell, Assistant Commissioner, Lahore.

Mr. P. Marsden, Assistant Commissioner, Sub-Divisional Officer, Kasur.

Mr. F. B. Wace, Assistant Commissioner, Gujranwala.

Mr. S. M. Jacob, Director of Agriculture.

Mr. R. B. Beckett, Assistant Commissioner, Amritsar.

Mr. F. A. Connor, Extra Assistant Commissioner, Amritsar.

Mr. J. E. Keough, Extra Assistant Commissioner, Lahore.

Mr. E. A. Penhearow, Extra Assistant Commissioner, Lahore.

GAZETTE NOTIFICATION.

The 22nd April 1919.

No. 11015.—In exercise of the powers conferred by Regulation No. 18 of the Proclamation issued by the General Officer Commanding, 2nd (Rawalpindi) Division, dated the 20th of April 1919, the Lieutenant-Governor hereby nominates the following officers to dispose of offences against the Regulations contained in the said Proclamation summarily under Martial Law where such offences have been committed within the areas in which Martial Law has been proclaimed within the limits of the 2nd (Rawalpindi) Division :—

The Hon'ble Mr. C. J. Hallifax, C.B.E., Commissioner, Rawalpindi ;

Lieutenant-Colonel A. J. O'Brien, C.B.E., C.I.E., Deputy Commissioner, Gujranwala ;

Mr. B. N. Bosworth-Smith, Joint Deputy Commissioner, Gujranwala ;

Mr. F. B. Wace, Assistant Commissioner, Gujranwala ;

Mr. S. M. Jacob, Director of Agriculture ; and

Mr. H. S. Williamson, Deputy Commissioner, Gujrat,

The 23rd April 1919.

No. 11130.—With reference to Home Department notification No. 10657, dated the 20th of April, it is hereby notified that the General Officer Commanding, 16th (Indian) Division, has been pleased to authorise the following officer as Area Officer to dispose of offences summarily under Martial Law in the Lahore Area :—

Captain A. C. Doveton, 30th Panjabis.

J. P. THOMPSON,
Chief Secretary to Government, Punjab.

The 24th April 1919.

No. 11182.—In exercise of the powers conferred by Regulation No. 18 of the Proclamation issued by the General Officer Commanding, 16th (Indian) Division, dated the 19th of April 1919, and by Regulation No. 18 of the Proclamation issued by the General Officer Commanding, 2nd (Rawalpindi) Division, dated the 20th of April 1919, the Lieutenant-Governor hereby nominates the following officers to dispose of offences against the Regulations contained in the said Proclamations summarily under Martial Law within the areas in the Lyallpur District in which Martial Law has been proclaimed within the limits of the 16th (Indian) Division, and the 2nd (Rawalpindi) Division, respectively :—

Lieutenant-Colonel C. Powney Thompson, Commissioner, Multan ; and
Mr. G. F. deMontmorency, Deputy Commissioner, Lyallpur.

J. P. THOMPSON,
Chief Secretary to Government, Punjab.

The 4th May 1919.

No. 12197.—It is hereby notified that the General Officer Commanding, 2nd (Rawalpindi) Division, has divided the portion of his command in which Martial Law has been proclaimed into the following areas, in accordance with Regulation No. 18 of the Proclamation of the 20th April 1919 :—

- (1) Gujranwala Area comprising the Gujranwala Tahsil.
- (2) Wazirabad Area comprising the Wazirabad Tahsil.
- (3) Khangah Dogran and Sharakpur Area comprising Khangah Dogran and Sharakpur Tahsils.
- (4) Hafizabad Area comprising Hafizabad Tahsil.
- (5) Gujranwala and Kharian Area comprising Gujranwala and Kharian Tahsils.
- (6) Phalia Area comprising Phalia Tahsil.
- (7) Lyallpur Area comprising the Lyallpur District.

2. He has further been pleased to authorise the following officers as Area Officers to dispose of offences against the Proclamation of 20th April 1919 summarily under Martial Law in the said area :—

- (1) Lieutenant-Colonel A. J. O'Brien, C.I.E., C.B.E., in the Gujranwala Area.
- (2) Major C. W. J. Smith, D.S.O., 54th Sikhs, in the Wazirabad Area.
- (3) Mr. B. N. Bosworth-Smith in the Khangah Dogran and Sharakpur Area.
- (4) Captain W. J. Cole, Supply and Transport Corps, in the Hafizabad Area.
- (5) Lieutenant-Colonel C. S. Browne, 37th Dogras, in the Gujrat and Kharian Area.
- (6) Lieutenant-Colonel S. D. Grant, V.C., 4th Gurkha Rifles, in the Phalia Area.
- (7) Mr. G. F. deMontmorency, C.I.E., and Lieutenant-Colonel G. F. Hodson, D.S.O., in the Lyallpur Area.

J. P. THOMPSON,
Chief Secretary to Government, Punjab.

The 4th May 1919.

No. 12198.—It is hereby notified that in the exercise of his powers under Regulation No. 18 of the Proclamation of the General Officer Commanding, 2nd (Rawalpindi) Division,

dated the 20th April 1919, the General Officer Commanding, the Wazirabad Brigade, has nominated the following officers to dispose of offences against the Proclamation of 20th April 1919 summarily under Martial Law :—

Captain T. P. Wheatley, 1st Garrison Battalion, Yorkshire Regiment,
 Captain W. J. Cole, Supply and Transport Corps, and
 Captain J. S. L. Ewing, M.C., 19th Lancers, in the Gujranwala Area.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

The 5th May 1919.

No. 12341-A.—The following order of the General Officer Commanding, 16th (Indian) Division, is published for information :—

1. I hereby appoint the officers specified below to be summary courts for the trial of minor offences connected with or arising out of the recent disturbances and committed on or after the 30th of March and before the date of my Proclamation of the 19th April or, in the case of the Lyallpur District, before the 22nd April. The officers hereby appointed shall have jurisdiction within the areas in which Martial Law has been proclaimed within the limits of the 16th (Indian) Division in respect of such offences as were committed or are triable within the areas in which Martial Law has been proclaimed within the limit of the 16th (Indian) Division.
2. Such courts (a) shall only take cognizance of cases sent for trial by the Police, (b) shall not try any person for any act which is not an offence under the ordinary law, (c) shall not try any person for any offence which is shown as triable exclusively by the court of session in column 8 of Schedule II of the Criminal Procedure Code, 1898, (d) shall not in respect of any offence pass any sentence which is not authorised by the ordinary law for that offence (see column 7 of Schedule II aforesaid and also the Indian Whipping Act, 1909), and (e) shall not in respect of any offence pass any sentence which could not be passed by a 1st class Magistrate (see section 32 of the Code of Criminal Procedure, 1898).
3. The findings and sentences of such courts shall not be subject to confirmation by any authority, nor shall any appeal or application for revision lie in respect of them.

SCHEDULE OF OFFICERS APPOINTED TO BE SUMMARY COURTS.

(1) All officers who have been or shall hereafter be nominated by the Lieutenant-Governor in the exercise of powers conferred by General Officer Commanding, 16th (Indian) Division, to dispose of offences against the regulations contained in the Proclamations issued by the said General Officer summarily under Martial Law.

- (2) Khan Bahadur Shaikh Rahim Bakhsh, Director of Land Records.
- (3) Mr. A. L. Hoyle, I.C.S., Lyallpur.
- (4) Mr. J. D. Penny, I.C.S., Sheikhpura.
- (5) Mr. F. W. Phillips, Honorary Magistrate, Lyallpur.
- (6) All Cantonment Magistrates.

W. G. L. BEYNON, K.C.I.E., C.B., D.S.O.,

Major-General,

Commanding 16th (Indian) Division.

J. P. THOMPSON,

Chief Secretary to Government, Punjab

The 5th May 1919.

No. 12341-B.—The following order of the General Officer Commanding, 2nd (Rawalpindi) Division, is published for information :—

1. I hereby appoint the officers specified below to be summary courts for the trial of minor offences connected with or arising out of the recent disturbances and committed on or after the 30th of March and before the date of my Proclamation of the 20th April or, in the case of the Lyallpur District, before the 22nd April. The officers hereby appointed shall have jurisdiction within the areas in which Martial Law has been proclaimed within the limits of

the 2nd (Rawalpindi) Division in respect of such offences as were committed or are triable within the areas in which Martial Law has been proclaimed within the limits of the 2nd (Rawalpindi) Division.

2. Such courts (a) shall only take cognizance of cases sent for trial by the Police, (b) shall not try any person for any act which is not an offence under the ordinary law, (c) shall not try any person for any offence which is shown as triable exclusively by the court of session in column 8 of Schedule II of the Criminal Procedure Code, 1898, (d) shall not in respect of any offence pass any sentence which is not authorized by the ordinary law for that offence (see column 7 of Schedule II aforesaid and also the Indian Whipping Act, 1900), and (e) shall not in respect of any offence pass any sentence which could not be passed by a 1st class Magistrate (see section 32 of the Code of Criminal Procedure, 1898).

3. The findings and sentences of such courts shall not be subject to confirmation by any authority, nor shall any appeal or application for revision lie in respect of them.

SCHEDULE OF OFFICERS APPOINTED TO BE SUMMARY COURTS.

(1) All officers who have been or shall hereafter be nominated by the Lieutenant-Governor in the exercise of powers conferred by General Officer Commanding, 2nd (Rawalpindi) Division, to dispose of offences against the Regulations contained in the Proclamation issued by the said General Officer summarily under Martial Law.

(2) Khan Bahadur Shaikh Rahim Bakhsh, Director of Land Records.

(3) Mr. A. L. Hoyle, I.C.S., Lyallpur.

(4) Mr. J. D. Penny, I.C.S., Sheikhpura.

(5) Mr. F. W. Phillips, Honorary Magistrate, Lyallpur.

(6) All Cantonment Magistrates.

C. M. DOBELL, K.C.B., C.M.G., D.S.O.,

*Major-General,
Commanding 2nd (Rawalpindi) Division.*

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

The 7th May 1919.

No. 12496.—With reference to notification No. 18657—Home—Military, dated the 20th April 1919, it is hereby notified that the General Officer Commanding, 18th (Indian) Division, has authorised the following officers as Area Officers to dispose of offences against the Regulations contained in the Proclamation issued by the said General Officer Commanding summarily under Martial Law:—

In the Lahore Area—

Mr. F. B. R. Spencer, Cantonment Magistrate, *vice* Major H. A. Murray, 35th Sikhs.

Khan Bahadur Shaikh Rahim Bakhsh, Director of Land Records.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

The 8th May 1919.

No. 12612.—In continuation of and in modification of notification No. 11091, dated the 23rd April 1919, the Lieutenant-Governor hereby directs that nothing in the said notification shall be deemed to prevent the trial of any persons charged with an offence—

(1) other than one which is shown in column 8, Schedule II, Code of Criminal Procedure, 1898, as triable exclusively by the Court of Sessions;

(2) which is connected with the recent disturbances; and

(3) was committed on or after the 30th March 1919, and before the dates of the Martial Law Proclamations issued by the General Officer Commanding, 18th Indian Division, on the 19th April 1919, and the General Officer Commanding, 2nd Rawalpindi Division, respectively, in the districts of Lahore, Amritsar, Gujranwala or Gujrat, or before the 22nd April in the district of Lyallpur,

by a Summary Court appointed under Order dated 5th May 1919, issued by the General Officer Commanding, 16th (Indian) Division, or under Order dated 5th May 1919, issued by the General Officer Commanding the 2nd (Rawalpindi) Division.

J. P. THOMPSON,
Chief Secretary to Government, Punjab.

The 9th May 1919.

No. 12812.—In paragraph 1, sub-paragraph (5), of Punjab Government, Home (Military) Department, notification No. 12197, dated 4th May 1919, for "Gujranwala and Kharian Area comprising Gujranwala and Kharian Tahsils" substitute "Gujrat and Kharian Area comprising Gujrat and Kharian Tahsils."

J. P. THOMPSON,
Chief Secretary to Government, Punjab.

The 11th May 1919.

No. 12947.—With reference to notification No. 12197, dated the 4th May 1919, it is hereby notified that the General Officer Commanding, 2nd (Rawalpindi) Division, has been pleased to authorise the following officer as Area Officer to dispose of offences against the Proclamation of the 20th April 1919 summarily under Martial Law:—

Lieutenant-Colonel A. J. O'Brien, C.I.E., C.B.E., in the Gujranwala, Wazirabad and Halizabad Areas.

J. P. THOMPSON,
Chief Secretary to Government, Punjab.

The 31st May 1919.

No. 14771.—In exercise of the powers conferred by Regulation No. 18 of the Proclamation issued by the General Officer Commanding, 2nd (Rawalpindi) Division, dated the 20th of April 1919, the Lieutenant-Governor hereby nominates the following officer to dispose of offences against the Regulations contained in the Proclamation summarily under Martial Law where such offences have been committed within the areas in which Martial Law has been proclaimed within the limits of the 2nd (Rawalpindi) Division:—

Lieutenant Ewart Godfrey, I.A.R.O., Gujranwala.

J. P. THOMPSON,
Chief Secretary to Government, Punjab.

NOTIFICATION ISSUED IN REGARD TO COMPENSATION UNDER THE POLICE ACT.

The 15th April 1919.

No. 10223.—Under section 15 of the Police Act, 1861, the Lieutenant-Governor hereby declares that the following areas, namely, the districts of Lahore, Amritsar and Gujranwala in the Punjab, have been found to be in a disturbed state.

This Proclamation shall remain in force for a period of 6 months.

With reference to notification No. 10223, dated 15th April 1919, it is hereby announced for general information that in the districts of Lahore, Amritsar and Gujranwala, if death or grievous hurt, or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants of the said districts or any class or section of them, it shall be lawful for any person, being an inhabitant of any of such districts, who claims to have suffered injury from such misconduct, to make, within one month from the date of the injury, an application for compensation to the Magistrate of the district, under section 15-A, Police Act, 1861.

The 17th April 1919.

No. 10516.—Under section 15 of the Police Act, 1861, the Lieutenant-Governor hereby declares that the following areas, namely the districts of Gujrat, Jhelum and Sialkot in the Punjab, have been found to be in a disturbed state.

This Proclamation shall remain in force for a period of 6 months.

With reference to notification No. 10516, dated 17th April 1919, it is hereby announced for general information that in the districts of Gujrat, Jhelum and Sialkot, if death or grievous hurt, or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants of the said districts or any class or section of them, it shall be lawful for any person, being an inhabitant of any of such districts, who claims to have suffered injury from such misconduct, to make within one month from the date of the injury, an application for compensation to the Magistrate of the district, under section 15-A, Police Act, 1861.

The 21st April 1919.

No. 10771.—Under section 15 of the Police Act, 1861, the Lieutenant-Governor hereby declares that the following areas, namely, the districts of Rawalpindi, Shahpur, Attock, Mianwali, Gurdaspur, Jullundur, Hoshiarpur, Ludhiana, Rohtak, Gurgaon, Karnal, Multan, Montgomery and Lyallpur in the Punjab, have been found to be in a disturbed state.

This Proclamation shall remain in force for a period of 6 months.

With reference to notification No. 10771, dated the 21st April 1919, it is hereby announced for general information that in the districts of Rawalpindi, Shahpur, Attock, Mianwali, Gurdaspur, Jullundur, Hoshiarpur, Ludhiana, Rohtak, Gurgaon, Karnal, Multan, Montgomery and Lyallpur, if death or grievous hurt, or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants of the said districts or any class or section of them it shall be lawful for any person, being an inhabitant of any of such districts, who claims to have suffered injury from such misconduct, to make, within one month from the date of the injury, an application for compensation to the Magistrate of the district under section 15-A, Police Act, 1861.

ASGHAR ALI,

Additional Secretary to Government, Punjab.

NOTIFICATION ISSUED UNDER THE SEDITIOUS MEETINGS ACT.

The 18th April 1919.

No. 10089.—Under section 2 (1) of the Prevention of Seditious Meetings Act, 1911, the Lieutenant-Governor, with the previous sanction of the Governor-General in Council, is pleased to declare the districts of Lahore and Amritsar, in the Province of the Punjab, to be proclaimed areas.

The 16th April 1919.

No. 10417.—Under section 2 (1) of the Prevention of Seditious Meetings Act, 1911, the Lieutenant-Governor, with the previous sanction of the Governor-General in Council, is pleased to declare the district of Gujranwala, in the Province of the Punjab, to be a proclaimed area.

The 17th April 1919.

No. 10476.—Under section 2 (1) of the Prevention of Seditious Meetings Act, 1911, the Lieutenant-Governor, with the previous sanction of the Governor-General in Council, is pleased to declare the districts of Multan and Jullundur, in the Province of the Punjab, to be proclaimed areas.

The 21st April 1919.

No. 10770.—Under section 2 (1) of the Prevention of Seditious Meetings Act, 1911, the Lieutenant-Governor, with the previous sanction of the Governor-General in Council, is pleased to declare the district of Lyallpur in the Province of the Punjab, to be a proclaimed area.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

NOTIFICATIONS ISSUED UNDER THE DEFENCE OF INDIA ACT.

The 19th April 1919.

No. 10550.—Under Rule 12 of the Defence of India (Consolidation) Rules, 1915, as amended, the Lieutenant-Governor is pleased to empower all District Magistrates in the Punjab to prohibit or limit in such way as they think fit, access to any building or place in the possession or under the control of Government or of any local authority, or to any building or place in the occupation, whether permanent or otherwise, of His Majesty's military forces or of any police force or to any public place in the vicinity of any such building or place.

No. 10618.—The Governor-General in Council is pleased to empower, under Rule 25 (2) of the Defence of India (Consolidation) Rules, 1915, all Commissioners of Divisions in the Province of the Punjab to order or authorise complaints to be made in respect of offences described in Rule 25 (1) of the said rules committed within their several jurisdictions.

The 22nd April 1919.

No. 10950.—The Governor-General in Council is pleased to empower, under Rule 25 (2) of the Defence of India (Consolidation) Rules, 1915, all District Magistrates in the Province of Punjab to order or authorise complaints to be made in respect of offences described in Rule 25 (1) of the said rules committed within their several jurisdictions.

ASGHAR ALI,

*Additional Secretary to Government, Punjab.**Simla, the 25th April 1919.*

No. 699.—In pursuance of section 2 of the Defence of India (Criminal Law Amendment) Act, 1915 (IV of 1915), the Governor-General in Council is pleased to direct that the following amendment shall be made in the Defence of India (Consolidation) Rules, 1915, as subsequently amended, namely :—

For Rule 24 of the said rules the following rule shall be substituted, namely :—

“ No person shall induce or attempt to induce any person in the service of His Majesty or of any railway company to disregard or fail in his duty as such servant.
 Tampering with Government or railway servants.

J. H. DuBOULAY,

*Secretary to the Government of India,
Home Department.*

J. P. THOMPSON,

*Chief Secretary to Government, Punjab.**The 26th April 1919.*

No. 111382.—The following order of the Government of India, Home Department, is published for general information :—

ORDER.

The Governor-General in Council is hereby pleased to empower under section 25 (2) of the Defence of India (Consolidation) Rules, 1915, all Commissioners of Divisions and District Magistrates, within the Province of the Punjab, to order or authorise complaints to be made in respect of the offences described in Rule 25 (1) of the aforesaid rules within their respective jurisdictions.

J. H. DuBOULAY,

*Secretary to Government of India,
Home Department.**Simla, the 20th April 1919.*

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

The 8th May 1919.

No. 12702.—In exercise of the powers conferred by Rule 12-AA of the Defence of India (Consolidation) Rules, 1915, the Lieutenant-Governor is pleased to authorise all District Magistrates and Superintendents of Police to arrest without warrant any person against whom a reasonable suspicion exists that he is promoting or assisting to promote rebellion against the authority of the Government.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

Simla, the 2nd May 1919.

No. 804.—In pursuance of section 2 of the Defence of India (Criminal Law Amendment) Act, 1915 (IV of 1915), the Governor-General in Council is pleased to direct that the following amendment shall be made in the Defence of India (Consolidation) Rules, 1915, as subsequently amended, namely:—

After Rule 12-A of the said rules the following rule shall be inserted, namely:—

Power to arrest or detain persons suspected of promoting rebellion. "12-AA. (1) In any area to which by notification in the *Gazette of India* the Governor-General in Council has declared that the provisions of this rule shall apply, any officer of Government authorised in this behalf by a general or special order of the Local Government may arrest without warrant any person against whom a reasonable suspicion exists that he is promoting or assisting to promote rebellion against the authority of the Government.

(2) The provisions of sub-rules (2), (3) and (4) of Rule 12-A shall apply in the case of every arrest made under this rule."

No. 805.—In pursuance of Rule 12-AA of the Defence of India (Consolidation) Rules, 1915, as subsequently amended, the Governor-General in Council is pleased to declare that the provisions of the said rule shall apply to the Punjab.

W. S. MARRIS,

*Secretary to the Government of India,
Home Department.*

J. P. THOMPSON,

Chief Secretary to Government, Punjab.

The 9th May 1919.

No. 12811.—Under Rule 12-A of the Defence of India (Consolidation) Rules, 1915, the Lieutenant-Governor is pleased to empower all Commissioners, Deputy Commissioners and Superintendents of Police in the Punjab to arrest without warrant any person against whom a reasonable suspicion exists that he has acted, is acting, or is about to act, with intent to assist the King's enemies in a manner prejudicial to the public safety or the defence of British India.

No. 12813.—In exercise of the powers conferred by Rule 12-AA of the Defence of India (Consolidation) Rules, 1915, the Lieutenant-Governor is pleased to authorise all Commissioners to arrest without warrant any person against whom a reasonable suspicion exists that he is promoting or assisting to promote rebellion against the authority of the Government.

J. P. THOMPSON,

Chief Secretary to Government, Punjab.